

RESOLUTION NO. 93-109

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RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING
ABATEMENT PROCEEDINGS ON VARIOUS PARCELS THROUGHOUT THE CITY

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RESOLVED by the City Council of the City of Lodi that:

1. The Council elects to proceed under Government Code Section 39501 - 39588 to declare as a public nuisance and abate:
 - a) all weeds growing upon streets, sidewalks and private property in the City and
 - b) all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City.

In this resolution and in all subsequent proceedings, weeds means weeds which, when mature, bear wingy or downy seeds which will attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, and includes sagebrush, chapparel, poison oak and poison ivy, when the conditions of growth are such as to constitute a menace to the public health, dry grass, stubble, brush, litter and all other flammable material which endangers the public safety by creating a fire hazard.

2. The City Council declares as a public nuisance:
 - a) all weeds growing upon the streets, sidewalks and private property in the City and
 - b) all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City.
3. The properties upon which or in front of which the nuisance declared in paragraph 2 exist are described in EXHIBIT "A" attached hereto and made a part hereof by reference. The Council finds and declares that weeds on or in front of the parcel specified in EXHIBIT "A" are seasonal and recurrent in nature. In accordance with Government Code Section 39562.1, the seasonal and recurrent nuisances shall be abated under Sections 39501-39588 and upon the second and subsequent occurrence in the same calendar year, no further hearings will be held and notice shall be by mailing a post card as provided in section 39562.1.
4. The Public Works Director is the person designated to perform the duties imposed by Government Code Sections 39560-39588 upon the Superintendent, and all references in these proceedings to Superintendent means that person.

5. Wednesday, September 15, 1993 at the hour of 7:00 o'clock p.m. in the Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, is fixed as the time and place for hearing all objections to the proposed removal of weeds, rubbish, refuse and dirt.
6. The Superintendent shall prepare notices as follows, and the heading of the notice shall read "Notice to destroy weeds and remove rubbish, refuse and dirt" in letters not less than 1" in height. The notice shall be substantially in the following form:

NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT

Notice is hereby given that on the 1st day of September, 1993, the City Council of the City of Lodi passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse and dirt are hereby notified to attend a meeting of the Lodi City Council to be held in the Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California on September 15, 1993 at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 1st day of September, 1993.

Street Superintendent
Director of Public Works
City of Lodi

7. The superintendent is instructed to cause copies of the notice to be conspicuously posted on or in front of the property on or in front of which the nuisance exists. He shall post the notice at least 5 days before the time fixed for hearing objections by the City Council. He shall post 1 notice to each separately owned parcel of property of not over 50-foot frontage; not more than 2 notices to each separately owned parcel of property of between 50-foot frontage and 100-foot frontage; and notices at not more than 100 feet apart if the frontage of the parcel is greater than 100 feet.

8. In addition to posting, the City Clerk shall mail written notice of the proposed abatement to all persons owning property described in paragraph 3 of this resolution. The notice shall be mailed to each person to whom the property is assessed as shown on the last equalized assessment roll. The Clerk shall mail the notice at least 5 days before the time set for the hearing. The notice shall be in substantially the form described above which is posted on the property, except that the notice shall be signed by the City Clerk and the notice need not contain the heading in 1" letters.

Adopted by the City Council of the City of Lodi this 1st day of September, 1993 by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, Snider and
Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None


JENNIFER M. PERRIN
City Clerk

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EXHIBIT A

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08/24/93

191 E DARRELL & JR WOLTKAMP
1-79.0 25821 N JACKTONE RD
GALT CA 95632

A.P.N.: 049-190-27
66 COMMERCE STREET

196 FWS CONSTRUCTION PTP
1-87.0 PO BOX 588
LOCKEFORD CA 95237

A.P.N.: 049-190-35
89 GUILD AVENUE

327 RICHARD LOZANO
2-4.0 PO BOX 824
PALO ALTO CA 94302-824

A.P.N.: 047-210-26
610 S WASHINGTON ST